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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,841	06/30/2000	Paul Marie Pierre Gavarini	BEES.001A	2341

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EXAMINER

NGUYEN, CUONG H

ART UNIT PAPER NUMBER

3661

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/607,841

Applicant(s)

GAVARINI, PAUL MARIE PIERRE

Examiner

CUONG H. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-22 and 24-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-22 and 24-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. This Office Action is the answer to the communication received on 7/12/2004 (the Response to Restriction Requirement).

### **Status of the Claims**

2. Claims 15-22, and 24-37 are elected without traverse.

### **Response:**

3. The examiner is unpersuasive with applicant's arguments (received on 1/23/2004); on page 12, last paragraph, the applicant argues a computer fundamental feature of "saving search queries" or "analyzing of search queries", the examiner hereby shows that the applicant submits an IDS of Wiecha (US Pat. 5,870,717), and that reference discloses that feature in 6:34 and 6:46.

On page 13, para. 5, the applicant argues that amended claim 15 is more clearly distinguish from the scenario asserted by the examiner; however, Fisher (US Pat. 6,331,858) discloses about presenting different web pages for searching and for selecting (see Fisher, claims 6, 27) - note that some claimed languages of this claim do not necessarily contributing to the claimed step of presenting.

On page 14, section V: "Newly added claims 32-37 involving analysis of search query histories of users", Gardenswartz et al., (US Pat. 6,055,573) disclose an analytic unit 16 coupled to a purchase history database 8,

performing the claimed feature (see Gardenswartz et al.,  
6:63 to 7:10; and 15:20-23).

The examiner submits that other limitations that belong  
to not-elected claims but presenting arguments on 1/23/2004  
are moot.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for  
all obviousness rejections set forth in this Office Action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth  
in section 102 of this title, if the differences between the subject matter sought to be patented and the prior  
art are such that the subject matter as a whole would have been obvious at the time the invention was  
made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall  
not be negated by the manner in which the invention was made.

4. Claims 15-22, 24-31 are rejected under 35 U.S.C.

§ 103(a) as being unpatentable over Bowman et al. (US Pat.  
6,169,986), in view of Fisher (US Pat. 6,331,858) and  
further, in view of the Official Notice.

As best understood, Bowman et al. teach a method/system  
using a computer system connecting to a network, comprising  
steps of:

- receiving a search query from a user (see **Bowman** et  
al., Figs. 1-2, & 4).
- Applying/executing the search query to an electronic  
catalog to generate a search results list (see **Bowman** et  
al., Figs. 9, please note that Bowman et al. inherently  
teach about searching an electronic catalog of amazon.com).

- Displaying/presenting search results list to the user for viewing (see **Bowman** et al., Fig.4 - refs. 430-440, & Fig.6).
- presenting the user an option to save the query (see **Bowman** et al., the abstract, please note that for searching, a user uses a computer with Windows software that having claimed capability of this option: saving a search query with a name).

Bowman et al. do not disclose about presenting different web pages for searching and for selecting; however, Fisher (US Pat. 6,331,858) discloses about presenting different web pages for searching and for selecting (see Fisher, claims 6, 27) - note that some claimed languages of this claim do not necessarily contributing to the claimed step of presenting.

- The examiner submits that **Bowman** et al. also teach a structure to perform above limitations (of claim 15) in his invention as claimed in pending claim 24.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bowman et al., and Fisher because those are available knowledge for searching on the Internet at the time of invention using by Bowman and Fisher, and it would make the search process being organized and time-saving in looking for specific ordering/searching items.

5. Claims 15-22, 32-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowman et al. (US Pat. 6,169,986), in view of Fisher (US Pat. 6,331,858) and further in view of the Official Notice.

As best understood, Bowman et al. teach a method using a computer system connecting to a network.

The Official Notice is taken that MS Windows having features to storing a search query as defined by a user (e.g., a specific search command can be saved using Windows); and a user can browse a catalog of amazon.com website using said stored search query (e.g., for non-fiction books vs. fiction books categories .etc.), and using merchant-defined categories (e.g., books vs. electronic equipment categories from amazon.com).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bowman et al., Fisher, amazon.com, Inc.'s business practice with the taken Official Notice because it would make the search process being organized and time-saving in looking for specific ordering/searching items.

#### **Conclusion**


6. Claims 15-22, 24-37 are not patentable. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than 6 MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose number is 703-305-4553. The examiner can normally be reached on 7am-330 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Thomas G. Black can be reached on 703-305-8233. The fax phone number is 703-305-7687.

*Cuong H. Nguyen*

  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3661